

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MAURICE JENKINS,

Plaintiff, CIVIL ACTION NO. 09-CV-12451-DT

vs.

DISTRICT JUDGE NANCY G. EDMUNDS

WELLS FARGO BANK, NA

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendant.

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**OPINION AND ORDER DENYING PLAINTIFF'S MOTION TO APPOINT COUNSEL
AND PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO FILE RESPONSE**

This matter comes before the Court on Plaintiff's Motion to Appoint Counsel (docket no. 12) and Emergency Motion for Extension of Time to File Response to Defendant's Motion to Dismiss (docket no. 11). Defendant has filed a Response to both motions. (Docket no. 14). All pretrial matters have been referred to the undersigned for decision. (Docket no. 6). The Court dispenses with oral argument pursuant to E.D. Mich. LR 7.1(e).

Judge Edmunds earlier denied Plaintiff's Application for the Appointment of Counsel. (Docket nos. 3, 4). Plaintiff has failed to show a change in circumstances sufficient to grant the motion at this time. After considering the proper factors, Plaintiff's motion will again be denied.

Plaintiff also moves for an extension of time to file a Response to Defendant's Motion to Dismiss. (Docket no. 11). However, Plaintiff filed a Response on August 28, 2009. (Docket no. 16). Moreover, Plaintiff's reason for requesting an extension of time is based on the possibility of the Court appointing counsel and counsel filing a brief. This Court's denial of Plaintiff's motion for counsel likely removes the possibility that counsel will make an appearance on behalf of Plaintiff

and file a brief. The Court will therefore deny Plaintiff's motion for an extension of time because a Response has already been filed. If Plaintiff obtains representation and counsel wishes to file a Response on his behalf, counsel may file for leave to do so. Defendant's motion will not be held in abeyance, however.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Extension of Time (docket no. 11) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's Motion to Appoint Counsel (docket no. 12) is **DENIED**.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: September 08, 2009 s/ Mona K. Majzoub
 MONA K. MAJZOUB
 UNITED STATES MAGISTRATE JUDGE.

PROOF OF SERVICE

I hereby certify that a copy of this Opinion and Order was served upon Maurice Jenkins and Counsel of Record on this date.

Dated: September 08, 2009 s/ Lisa C. Bartlett
 Courtroom Deputy